IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 49/1999

PRAKASH BHAN GUPTA
Vs.
THE PRESIDING OFFICER, RAJASTHAN NON-GOVERNMENT EDUCATIONAL INSTITUTIONS TRIBUNAL, JAIPUR & ORS.

Date: 14.12.2006.

HON'BLE MR. K.S. RATHORE, J.

None present for the petitioner.
None present for the respondents

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The petitioner was working as Post Graduate Teacher in the subjects of Physics and Mathematics at the Central Academy, Vidhyalaya Marg, Tilak Marg, Jaipur, Vide order dated 29.06.94 about 4 months prior to his retirement, the petitioner has been removed from service. The removal order was challenged by the petitioner before the Rajasthan Non-Government Educational Institutions Tribunal, Jaipur (for short 'the Tribunal') by way of filing appeal but the same has been rejected by the Tribunal on the ground that since 13.07.94 the petitioner remained willfully absent from the school and it is also disputed that his services have been terminated by a verbal order. After due consideration of the details, available material as

well as the record, the Tribunal has rejected the appeal preferred by the petitioner vide its judgment dated 22.10.97.

The said judgment dated 22.10.97 passed by the Tribunal is challenged by the petitioner by way of this writ petition on the ground that wrong observation is made by the Tribunal that the termination was made as the petitioner himself left the job, which has been denied by the petitioner and submits that the person who is going to retire after 3-4 months, it is quite impossible that he would leave the job himself without tendering any resignation or intimation to his employer. It is also averred that before summer vacation the petitioner signed the attendance register up to 15.05.94 and was present on 29.06.94 before new session which was to be commenced w.e.f. 01.07.94, but he was orally directed not to join his duties.

Having considered the averments made in the writ petition, it appears that this aspect has not been properly considered by the Tribunal that the persons who is going to retire after 3-4 months can abandon his services without any intimation or without any reason, therefore, in the interest of justice, I deem it proper to quash and set-aside the impugned judgment dated 22.10.97 passed by the Rajasthan Non-Government

Educational Institutions Tribunal, Jaipur and remand the matter back to the Tribunal for reconsideration after giving due opportunity of being heard to the parties and shall pass fresh order.

The writ petition stands allowed.

(K.S. RATHORE),J.

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